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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VANDERPUYE, KENNETH N

ART UNIT PAPER NUMBER

2661

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,238

Applicant(s)

MACLEAN, IAN B.

Examiner

Kenneth N. Vanderpuye

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 3-6, 9-11, 13-15 and 18-26 is/are rejected.
- 7) ☒ Claim(s) 12, 16, 17 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3, 9-11, 18-22, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue(6,515,974).

With regards to claims 3, 10, 11 Inoue teaches a method comprising: receiving data containing a private network address of a first node in a first wireless network (inherently taught since source address is necessary for bidirectional communication); translating the private network address to a public network address(Fig. 19); and sending data containing the public network address to a second node in the second wireless network.(Fig. 3, col. 9 lines 46-61), wherein the received data comprises a data packet, and wherein translating the private network address comprises translating the private network address in a header of the data packet(Fig. 19@45)

wherein translating the private network address comprises translating the private network address in a payload portion of the data packet. What this means is that the data packet received encapsulates the packet with the private address in its payload portion. In Fig. 19 the private network home agent includes an encapsulation and transfer unit. Hence the packet arriving at the packet relay device is an encapsulated packet containing a packet which includes a private network address.(col. 19 lines 40-41).

Claim 9 is rejected because the translating is performed by a NAT.

Claim 18 is rejected because Inoue teaches an interface to a first wireless network(Fig. 19@41), the interface adapted to receive a data packet containing a header portion and a payload portion(encapsulated packet), the payload portion containing a first network address of a node in the first wireless network(inherently taught because encapsulated packet encapsulates a packet with a destination address in its header), a network address translator module adapted to translate the first the first network address to a second, different network address associated with the node(Fig. 19@45).

Claim 19 is rejected because the packet relay device translates the first address to a second address usable in the second network.

Claim 20-22 rejected because the protocol used is mobile IP.

Claim 24 is rejected because the translation if between a private IP network and public IP network.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4-6, 13-15, 23, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al.(6,515,974) in view of Mizell et al.(6,731,617).

With regards to claims 4 Inoue teaches a method comprising: receiving data containing a private network address of a first node in a first wireless network(inherently taught since source address is necessary for bidirectional communication); translating the private network address to a public network address(Fig. 19); and sending data containing the public network address to a second node in the second wireless network.(Fig. 3, col. 9 lines 46-61). Inoue fails to teach receiving a data containing a GPRS

Tunneling Protocol data unit because he is silent as to the wireless network type. Mizzell teaches the concept of tunneling in GRPS.(col. 1 lines 37-45). It would have been obvious to one of ordinary skill in the art to implement GPRS in Inoue in which case the use of tunneling data units would be useful in supporting private communications over a public network.

With regards to claim 5-6 Inoue teaches a method comprising: receiving data containing a private network address of a first node in a first wireless network(inherently taught since source address is necessary for bidirectional communication); translating the private network address to a public network address(Fig. 19); and sending data containing the public network address to a second node in the second wireless network.(Fig. 3, col. 9 lines 46-61). What Inoue fails to teach is receiving data from a SGPS in the first wireless network and a gateway GPRS node. Both these features are taught in Mizzell.(col. 1 lines 46-51) The network in Mizzell supports GPRS protocol. It would have been obvious to one of ordinary skill in the art to implement GPRS in Inoue in which case the use of tunneling data units would be useful in supporting private communications over a public network.

With regards to claim 13, Inoue fails to teach receiving a data containing a GPRS Tunneling Protocol data unit because he is silent as to the wireless network type. Mizzell teaches the concept of tunneling in GRPS.(col. 1 lines 37-45). It would have been obvious to one of ordinary skill in the art to implement GPRS in Inoue in which case the use of tunneling data units would be useful in supporting private communications over a public network

Claims 14-15 are not taught by Inoue, What Inoue fails to teach is receiving data from a SGPS node in the first wireless network and a gateway GPRS node. Both these features are taught in Mizzel.(col. 1 lines 46-51) The network in Mizzel supports GPRS protocol. It would have been obvious to one of ordinary skill in the art to implement GPRS in Inoue in which case the use of tunneling data units would be useful in supporting private communications over a public network.

Claim 25-26 is rejected in light of claims 3 and 5.

Claim 23 is rejected for the same reasons as claims 25-26

Allowable Subject Matter

Claim 7-8, are allowed.

Claims 12, 16-17, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N Vanderpuye whose telephone number is 571-272-3078. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KNV
5/21/05



KENNETH VANDERPUYE
PRIMARY EXAMINER